

In re Patent Application of:
GREGG ET AL.
Serial No. 09/680,721
Filed: OCTOBER 6, 2000

REMARKS

Applicants thank the Examiner for the careful and thorough examination of the present application, and for correctly withdrawing the rejections in view of EP 503383 and/or WO 95/11357 based upon our previous arguments. By this amendment, independent Claims 17 and 61 have been amended to more clearly define the present invention. Claims 17, 18, 20-28 and 54-64 remain pending in the application. Favorable reconsideration is respectfully requested.

I. The Claims are Patentable

Claims 17, 18, 20-28 and 61-64 were primarily rejected in view of Dinkel (U.S. 3,284,980) in combination with Huege et al. (U.S. 6,395,205) for the reasons set forth on pages 2-6 of the Office Action. Applicants contend that Claims 17, 18, 20-28 and 61-64 clearly define over the cited references, and in view of the following remarks, favorable reconsideration of the rejections is requested.

The main reference relied upon by the Examiner is Dinkel. The Dinkel patent is directed to a cement panel with a low density core and fiber reinforced surface layers. The fibers in Dinkel, e.g. as provided by Owens-Corning Fiberglas Corporation, are coated with a vinyl resin. However, the Dinkel patent does not disclose a resin layer incorporating the fiber mesh, as claimed. Indeed, the Dinkel panel includes a mortar, e.g. a hydraulic cement slurry, poured over the fiber layer to penetrate the openings of the vinyl coated fiber mesh.

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Importantly, there is no discussion of using a monolithic body of autoclaved aerated concrete or a core consisting essentially of autoclaved aerated concrete, in combination with a moisture-resistant resin face layer comprising fibers and a moisture-resistant resin layer incorporating the fibers therein, as disclosed and claimed in the present application. Also, none of the other cited references disclose this combination of features.

There is simply no teaching or suggestion in the cited references to provide the combination of features as claimed. Accordingly, for at least the reasons given above, Applicants maintain that the cited references do not disclose or fairly suggest the invention as set forth in the independent claims. Furthermore, no proper modification of the teachings of these references could result in the invention as claimed. Thus, the rejections should be withdrawn.

It is submitted that the independent claims are patentable over the prior art. In view of the patentability of the independent claims, it is submitted that their dependent claims, which recite yet further distinguishing features are also patentable over the cited references for at least the reasons set forth above. Accordingly, these dependent claims require no further discussion herein.

II. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. An early notice thereof is earnestly solicited. If,

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after reviewing this Response, there are any remaining informalities which need to be resolved before the application can be passed to issue, the Examiner is invited and respectfully requested to contact the undersigned by telephone in order to resolve such informalities.

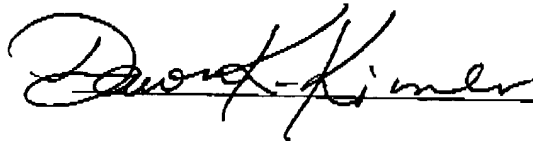
Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 703-872-9447 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 24th day of July, 2003.



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**BACKERBOARD SHEET INCLUDING
AERATED CONCRETE CORE****Abstract of the Disclosure**

A backerboard sheet is for moist areas and includes a core having opposing first and second major surfaces, at least one moisture-resistant face layer on at least one of the first and second major surfaces of the core; and wherein the core ~~comprises~~ includes aerated concrete. The provision of aerated concrete for the core provides many key advantages over conventional backerboard sheets, such as gypsum greenboard or cementitious backerboard, for example. The at least one moisture-resistant face layer may include fibers, such as arranged in a woven mesh. The fibers may include at least one of glass, plastic, and metal. In addition, the at least one moisture-resistant face layer may further include a moisture-resistant material incorporating the fibers, such as a suitable resin, for example. ~~The at least one moisture-resistant face layer may include first and second moisture-resistant face layers on respective first and second major surfaces of the core. The core may also have a generally rectangular shape defining a pair of opposing side edges and a pair of opposing end edges. The first major surface in some embodiments may have beveled portions adjacent respective opposing side edges.~~